UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

OLGA L. PARDO	:	
	:	
vs.	:	C.A. No. 05-074T
	:	
TOWN OF JOHNSTON, by and through its Treasurer, RICHARD F. CONNORS, TOWN OF JOHNSTON SCHOOL DEPARTMENT, JOHNSTON FEDERATION OF TEACHERS, LOCAL 1702/AMERICAN FEDERATION OF TEACHERS, DR. MICHAEL W. JOLIN, Individually and in his official capacity as the Superintendent of the Town of Johnston School Department, RITA KERWICK-BLYTHE, Alias, DR. ELIZABETH L. MANTELLI, Alias, MICHAEL TARABORELLI, Alias, GREGORY RUSSO, Alias, LOU SALERA, Alias, STEVEN DONOVAN, Alias, KAREN SMITH-PASCOLI, Alias, JULIA ZARELLA, [JULIE ZARRELLA] Alias, PAUL GERMANOWSKI, Alias, EMILIA RUGGERIO, [EMILIA RUGGIERO] Alias, CHRISTINA MESOLELLA, Alias	:	

ANSWER OF DEFENDANT, CHRISTINA MESOLELLA, TO THE PLAINTIFF'S COMPLAINT

That portion of the plaintiff's complaint entitled "Introductory Statement" contains statements of law and conclusionary statements of law and fact and requires no answer. However, to the extent that it contains allegations of fact addressed to this defendant, it is denied.

PARTIES

FIRST DEFENSE

The defendant admits the allegations of ¶ 16 of that portion of the plaintiff's complaint entitled "Parties".

11

SECOND DEFENSE

The defendant admits the allegations of ¶ 1 of that portion of the plaintiff's complaint entitled "Parties" except that the defendant has no knowledge concerning the plaintiff's residency and leaves the plaintiff to her proof thereof.

THIRD DEFENSE

The defendant states that she believes that the allegations of ¶¶ 2-8 and 11-15 are true.

FOURTH DEFENSE

The defendant denies the allegations of ¶ 9 of the plaintiff's complaint.

JURISDICTION

That portion of the plaintiff's complaint entitled "Jurisdiction" contains statements of law and conclusionary statements of law and fact and requires no answer. However, to the extent that it contains allegations of fact addressed to this defendant, it is denied.

VENUE

The defendant denies the allegations contained in that portion of the plaintiff's complaint entitled "Venue".

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

FIRST DEFENSE

The defendant admits the allegations of ¶ 19 of the plaintiff's complaint.

SECOND DEFENSE

The defendant neither admits nor denies the allegations of ¶¶ 58-63 of the plaintiff's complaint but leaves the plaintiff to her proof thereof.

THIRD DEFENSE

The defendant denies the allegations of ¶¶ 20, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 34, 35, 36, 37, 38, 43, 44, 45, 47, 49, 51, 52, 53, 54, 55, 56, 57, and 58 of the plaintiff's complaint.

FOURTH DEFENSE

The remaining paragraphs of that portion of the complaint entitled "Allegations Common to All Causes of Action" are addressed to other defendants and requires no answer from this defendant. To the extent that the remaining allegations can be construed as allegations against this defendant, they are denied.

CLAIMS FOR RELIEF

FIRST DEFENSE

The defendant incorporates by reference herein her answer to ¶¶ 1-58 of the plaintiff's complaint.

SECOND DEFENSE

The defendant denies the allegations of Counts One, Two Three, Four, Five, Six, Seven, Eight, Nine, Ten and Eleven of the plaintiff's complaint.

PRAYERS FOR RELIEF

The defendant denies that the plaintiff is entitled to the relief requested.

FIRST AFFIRMATIVE DEFENSE

The plaintiff has failed to bring her action within the time provided by the applicable statute of limitations.

SECOND AFFIRMATIVE DEFENSE

The defendant pleads statutory and common law immunity as a bar to the plaintiff's action.

CHRISTINA MESOLELLA
By her attorney,

Anthony F. DeMarco, Esquire #0799
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Providence, RI 02903
(401) 861-5522
Fax: (401) 331-4861

THE DEFENDANT, CHRISTINA MESOLELLA, HEREBY DEMANDS A TRIAL BY JURY.

Anthony F. DeMarco, Esquire #0799

I hereby certify that on the 1st day of April, 2005, I mailed a copy of the within to V. Edward Formisano, Esquire, SINAPI, FORMISANO & COMPANY, LTD., 100 Midway Place, Suite 1, Cranston, RI 02920-5707.

Susan Auclair